IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 7854/2002

MOOL CHAND MEENA Vs. STATE OF RAJASTHAN & ORS.

DATE: 13.11.2007.

HON'BLE MR. JUSTICE K.S. RATHORE

Mr. G.S. Bapna for the petitioner.
Mr. B.S. Chhaba, Dy. GA for the State.

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This writ petition is directed against the order dated 05.07.2003 passed by the Secretary, Department of Mines & Geology, Govt. of Rajasthan and the order dated 14.08.2002 passed by the Mining Engineer, Department of Mines, Karauli.

Brief facts of the case are that the Mines Department had allotted plot Nos. 17 and 21 and plot No.4 to Shri Giriraj Prasad, resident of Dorawali for mining of sand stones for a period of 10 years from 03.11.1981 to 02.11.1991. As Giriraj Prasad was unable to operate the mines, he decided to transfer the mines in the name of petitioner and the State Government vide order dated 03.01.1985 transferred the mining area in the name of petitioner.

The controversy arose when the petitioner fell ill in May, 1986 and was unable to operate and supervise the mines, therefore, the area of mining was acquired by the Assistant Collector for development of plantation and as such no dead rent could be charged from the petitioner after July 25, 1986. The petitioner moved an application for allotment of some other land to him, but the State Government vide letter dated 12.08.1987 informed the petitioner that no other place can be allotted to the petitioner as per rules.

Aggrieved and dissatisfied with the action of the respondents, the petitioner preferred a writ petition before this Court which was registered as S.B.C.W. Petition no. 540/1988 and the same was dismissed by this Court vide judgment dated 10.07.97 and this order of dismissal of the writ petition was challenged by the petitioner before the Division Bench by way of filing D.B. Special Appeal (W) No. 1038/1998 and that too was dismissed by the Division Bench vide order dated 05.02.99.

Thereafter, the Mining Engineer (Recovery), Mines and Geology, Karauli issued a declaration of sale of property of the petitioner for recovery of Rs. 15,283/-. A revision application was filed against the order of the Mining Engineer, Karauli before the State

Government and the same was dismissed vide order dated 05.07.2002. On the basis of the order dated 05.07.2002, the Mining Engineer (Recovery) vide order dated 14.08.2002 issued a declaration for sale of the property of the petitioner for recovery of Rs. 1,47,784/-.

Aggrieved and dissatisfied with the impugned order passed by the State Government dated 05.07.2002 and the declaration of sale order dated 14.08.2002 passed by the Mining Engineer (Recovery), Karauli, this writ petition has been preferred by the petitioner.

I have considered the rival submissions of the respective parties and carefully perused the impugned orders dated 05.07.2002 and 14.08.2002 passed by the State Government and the Mining Engineer, Karauli respectively.

As admitted by the petitioner that he was not able to operate the mining lease allotted in his favour, the same was cancelled and since the dead rent to the tune of Rs. 7,457/- in respect of plot No. 21 and Rs. 5,316/- in respect of plot No. 17 and land tax of Rs. 20,500/- has not been paid by the petitioner, therefore, the Mining Engineer issued a notice for recovery of the same which has not been deposited. The revision application has also rightly been rejected by

the State Government as the petitioner has got no case in his favour.

Thus, I find no merit in the writ petition and the impugned order dated 05.07.2003 passed by the Secretary, Department of Mines & Geology, Govt. of Rajasthan and the order dated 14.08.2002 passed by the Mining Engineer, Department of Mines, Karauli require no interference by this Court.

Consequently, the writ petition fails and the same stands dismissed.

The stay application also stands dismissed.

(K.S. RATHORE),J.

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